

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.19190 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue Writ of Mandamus to declare the action of the respondents in interfering with the civil disputes and calling the petitioner to the 4th respondent Police Station in relation to the property covered by sale deed No.7283 of 2014 dated 05-12-2014 of land admeasuring 2444.22 Sq. yards or 2043.66 Sq. mtrs. Out of the land to the extent of Ac.1-10 cents in Sy.No.194/1, Madhuravada village, Visakhapatnam Rural, Visakhapatnam District under the Greater Visakhapatnam Municipal Corporation without any complaint from any person as illegal, unconstitutional, untenable, deliberate, intentional, unwarranted, arbitrary, against law as well as principles of natural justice and consequently direct the respondents not to interfere in civil disputes of the land and not to harass the petitioner.”

Heard Sri K.B. Ramanna Dora, learned counsel for the petitioner and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

According to the petitioner, she is the absolute owner and possessor of the land admeasuring 2444.22 Sq. yards out of Ac.1-10 cents in Sy.No.194/1, Madhuravada village, Visakhapatnam Rural, Visakhapatnam District having purchased the same by way of registered sale deed bearing document No.7283/2014, dated 05-12-2014. It is further stated that the petitioner's husband is engaged in real estate business. It is further stated that the respondents herein without any manner of right started registering false cases against husband of the petitioner. It is further stated

that even though the petitioner herein is nowhere concerned, 4th respondent is frequently calling through the Constables. According to the petitioner, 4th respondent informed her that police got a complaint against the land purchased by the petitioner from the third party without disclosing any information. Apprehending illegal detention, the present writ petition is filed.

When the matter is called today, written instructions, dated 06-07-2015 furnished by the Sub-Inspector of Police, PM Palem Police Station, Vishakapatnam city have been placed on record by the learned Government Pleader for Home appearing for the respondents. In the said instructions it is stated that on the complaint of one B. Hemantha Kumar, S/o. Butchi Raju, PM Palem Police Station, Visakahaptnam City registered a case in Crime No.571 of 2014 for the alleged offences under Sections 427 and 447 r/w.34 IPC against certain individuals. It is further stated that during the course of investigation the Investigating Officer examined the complainant and other witnesses and recorded their statements. It is further stated that as per the evidence so far collected by the investigating agency it is crystal clear that the writ petitioner herein purchased the property from the legal heirs of the deceased vide sale deed No.7283 of 2014, dated 05-12-2014 though it was already sold to the complainant in F.I.R.No.571 of 2014 and thus also committed criminal trespass along with the other accused in the F.I.R. It is further stated that the investigating agency is going to add petitioner name in the accused column and to that effect also memo will be filed before the concerned Court shortly. It is also stated in the instructions that at the first instance

the name of the petitioner was not shown as accused in the FIR but however during the course of investigation it is elicited that the petitioner herein also participated in the criminal trespass along with other accused in the F.I.R. It is further stated in the instructions that there is ample evidence that the petitioner herein also committed criminal trespass along with other accused in the F.I.R., as such, the investigating agency is going to take steps against the petitioner by following the procedure as contemplated under the provisions of Cr.P.C. It is further stated that in order to escape from the criminal liability and to divert the attention of the investigating agency, the petitioner herein filed the present writ petition with false allegations.

It is also stated that so far the investigating agency did not summon the petitioner and investigating agency will take steps by following due procedure in the above case as there is ample evidence that the petitioner herein has committed the offences mentioned in the F.I.R. and unless the petitioner cooperates with the investigating agency, it cannot proceed further with the matter.

On noticing the same, the learned counsel for the petitioner has requested this Court to record the said instructions and close the writ petition with a direction to the respondent – police to proceed, in accordance with law.

For the aforesaid reasons, the writ petition is disposed of, by recording the written instructions, dated 06-07-2015 furnished by the Sub-Inspector of Police, PM Palem Police Station, Visakhapatnam city and the respondents – police authorities are directed to proceed strictly, in accordance with law. There shall be

no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

A.V. SSHA SAI, J

August 03, 2015

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THE HON'BLE SRI JUSTICE A.V. SETHA SAI

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WRIT PETITION No.19190 of 2015

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August 03, 2015

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